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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,819	12/24/2003	Juergen Koessler	K201 0014	1147
720	7590	01/25/2005	EXAMINER	
OYEN, WIGGS, GREEN & MUTALA 480 - THE STATION 601 WEST CORDOVA STREET VANCOUVER, BC V6B 1G1 CANADA			BOLES, DEREK	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	10/743,819		KOESSLER, JUERGEN	
	Examiner		Art Unit	
	Derek S. Boles		3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 24-37 and 40 is/are rejected.
- 7) ☒ Claim(s) 20-23, 38 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/24/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-6 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (2,565,131), see col. 4, lines 54-69. Claims 24-26 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Pollock (5,344,363), see figs. 3, 13 and 14. Regarding claim 25, see 54. Regarding claim 26, see 80.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Regarding claims 3, 7, and 8, Johnson discloses the claimed invention except for the screen being bent at various angles. It would have been obvious to one having ordinary skill in the art at the time the invention was made to find the optimum angle, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Regarding claim 13, a mere change in shape is not a patentable distinction over the prior art. See *In re Dailey*, 149 USPQ 47 (CCPA 1976).

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Claim(s) 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Pollock. Johnson discloses all of the limitations of the claim(s) except for a damper member being located in the vent passageway and pivotally coupled to the cover member. Pollock discloses the presence of a damper member being located in the vent passageway and pivotally coupled to the cover member. See 32. Hence, one skilled in the art would find it obvious to modify the system of Johnson to include the damper member being located in the vent passageway and pivotally coupled to the cover member of Pollock for the purpose of increased airflow control. Regarding claim 16, see 54.

Claim(s) 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Meyer. Johnson discloses all of the limitations of the claim(s) except for a hollow adapter member, which is coupleable to the cover member and a conduit. Meyer discloses the presence of a hollow adapter member, which is coupleable to the cover member and a conduit. See 53. Hence, one skilled in the art would find it obvious to modify the system of Johnson to include the hollow adapter member, which is coupleable to the cover member and a conduit of Meyer for the purpose of increase applicability.

Claim(s) 27, 28, 30-32, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollock in view of Johnson. Pollock discloses all of the limitations of the claim(s) except for the screen having a deformable bend for receiving a protrusion to secure the screen to a cover member. Johnson discloses the presence of a deformable bend for receiving a protrusion to secure the screen to a cover member. See col. 4, lines 54-69. Hence, one skilled in the art would find it obvious to modify the system of Pollock to include the deformable bend for receiving a protrusion to secure the screen to a cover member of Johnson for the purpose of

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reducing the need for tools and/or material. Regarding claim 29, 33, 34, Pollock in view of Johnson discloses all of the limitations of the claim except for various angles. However, since the applicant has failed to establish any criticality or synergistic results which are derived from the recited configurations, these limitations are considered a matter of obvious design choice. Thus, the applicant's design configurations would have been an obvious improvement to one of ordinary skill in the art with regard to the apparatus disclosed in Pollock in view of Johnson.

Claim(s) 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pollock in view of Meyer. See claim 19, above.


Allowable Subject Matter

Claims 20-23, 38 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The provided references are representative of the state of the art that is applicable to the applicant's invention. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek S. Boles at (703) 308-1804 or fax number (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861. The Supervisory Primary Examiner for Art Unit 3749 is Ira Lazarus who can be reached at (703) 308-1935.

D.S.B.


**DEREK S. BOLES
PRIMARY EXAMINER
GROUP 3700**

1/21/05